

REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed September 19, 2007. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 19 are pending in the application with Claims 1, 5 and 12 being in independent form. By the present amendment, Claims 1 – 5, 9 – 15, 18 and 19 are amended.

I. Rejection of Claims 1 – 6, 9, 12 – 16 and 18 Under 35 U.S.C. § 103(a)

Claims 1 – 6, 9, 12 – 16 and 18 were rejected by the Examiner under 35 U.S.C. § 103(a) over U.S. Patent No. 5,759,154 issued to Hoyns in view of U.S. Patent No. 6,238,336 issued to Ouichi; and Claims 7 – 8, 10 – 11, 17 and 19 are rejected by the Examiner under 35 U.S.C. § 103(a) over U.S. Patent No. 5,759,154 issued to Hoyns in view of Ouichi and further in view of U.S. Patent No. 4,401,124 issued to Guess et al.

However, Hoyns, Ouichi and Guess taken alone or in any proper combination fail to disclose or suggest Applicant's claimed plurality of staggered-array doughnut-shaped recesses over a predetermined range on the surface of the tip portion of the needle tube from the portion near the tip of the needle tube.

Specifically, Hoyns discloses square and diamond-shaped recesses formed on a needle, but no disclosure or suggestion is found of donut-shaped recesses formed on the needle. Ouichi is limited to disclosing an ultrasonic endoscope with no reference made of forming recesses of any kind on a needle tip portion. Guess, discloses a spiral groove formed on a needle tip, not a plurality of donut shaped recesses.

The Examiner contends that a donut-shape is something that resembles a donut in its shape and therefore the octagonal-shaped recesses as seen in FIG. 6 of Hoyns include a shape that resembles a donut. This is an entirely incorrect understanding of the definition for a donut

when discussing shapes. The donut, as defined in Webster's Dictionary defines a donut as a torus, i.e., annulus, ring, or tire, having a circular opening through the center. When defining a structure as donut-shaped, the arbitrary shapes that a particular pastry can be made into is not what is being contemplated. One of ordinary skill in the art would clearly understand donut-shaped to refer to a ring from both its ordinary meaning and from a reading of the specification, including the figures.

Moreover, an octagon is an eight-sided shape having no resemblance to any commonly seen donut, either pastry or otherwise. The claims are specific in reciting donut-shaped, not some vague donut like shape. Therefore, an octagonal-shaped recess would not be considered by one of ordinary skill in the art to reasonably fit the definition of donut-shaped, particularly in light of the present specification. However, in the interest of clarification and advancing prosecution, the term "donut" has been replaced with "annular" in Claims 1 – 5, 9 – 15, 18 and 19.

The amendment to the claims finds full support in the specification, for example FIG. 1A, 1B, 3A, 3B, 3C and 4 show annular-shaped recesses. Therefore, no new matter is introduced into the disclosure by way of the present amendment.

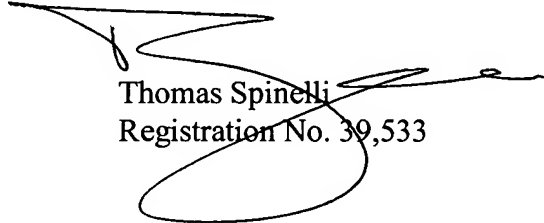
Since the particular structure and results obtained by using annular-shaped recesses on a puncture needle are non-obvious over the disclosed octagonal, square or diamond shaped depressions, Hoyns, Ouchi and Guess et al., taken alone or in any proper combination, fail to disclose or suggest Applicant's invention as recited in the claims.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 19 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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